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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,222	06/04/2001	David Jeffrey Miller	10010869-1	4537

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/873,222	Applicant(s) MILLER ET AL.	
	Examiner Wes Tucker	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Request for Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October-14-2004 has been entered.

Response to Amendments and Arguments

1. Applicant's response to the last Office Action, filed December 10, 2004, has been entered and made of record.
2. Applicant has amended claims 1, 2, 4, 7, 8 and 12 and cancelled claims 6 and 16 and 12. Claims 6-10 are pending.
3. Applicant's arguments have been fully considered and are persuasive. The previous rejection has been withdrawn. A new rejection has been made in view of U.S. Patent 6,829,378 to DiFilippo et al. under 35 U.S.C. 102.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 7-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,829,378 to DiFilippo et al.

With regard to claim 1, DiFilippo discloses a digital image routing system comprising means for receiving a digital packet at a digital image routing system, wherein the digital image packet was directly sent from a customer via a network to the digital image routing system, wherein the digital image packet includes a digital image from a digital camera and a customer preference parameter (Fig. 2, elements 30 and 32, column 4, lines 57-65, column 6, lines 62-67 and column 7, lines 1-17). DiFilippo discloses sending an image along with information about the image such as type of process to be performed on that image to a Web Server 30 and Application Server 32. DiFilippo also discloses the invention to be in the environment of digital imaging technology (column 1, lines 39-41), which is interpreted to include digital cameras.

DiFilippo further discloses means for selecting a remote digital image editing system according to the customer preference parameter using the digital image routing

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system (Fig. 2, element 38, column 4, lines 57-65 and column 7, lines 25-32). DiFilippo discloses sending an image from a Web Server 30 and Application Server 32, to a proper processing server(s) 38.

DiFilippo further disclose means for transmitting the digital image packet to the selected remote digital image editing system from the digital image routing system via the network (column 4, line 66 – column 5, line 9). DiFilippo discloses sending an image from a Web Server 30 and Application Server 32, to a proper processing server(s) 38 which are interpreted as the remote digital editors.

With regard to claim 2, DiFilippo discloses the digital image routing system of claim 1, further comprising means for enhancing the digital image using the selected remote digital editing system based on the customer preference parameter (column 5, lines 10-13). DiFilippo discloses that the processor information collected by the user is used by the processing servers as needed in order to perform the desired operation.

Means for transmitting an enhanced digital image packet to the customer via the network wherein the enhanced digital image packet includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 4, lines 11-16 and column 7, lines 40-47). DiFilippo discloses transferring the processed image along with information about the processing back to the user.

With regard to claim 3, DiFilippo discloses the digital image routing system of claim 2, wherein means for enhancing the digital image, includes means for automatically enhancing the image based on the customer preference parameter (column 4, line 57- column 5, line 9). DiFilippo discloses that the image data is sent along with enhancement information and that the image information is automatically sent to the appropriate processors and further discloses that even more automation may be applied in the form of creating increased productivity and efficiency by using multiple instances of frequently used applications.

With regard to claim 4, DiFilippo discloses a digital enhancement system comprising means for receiving a digital image packet directly from a customer via a network, wherein the digital image packet includes a digital image from a digital camera and a customer preference parameter (Fig. 2, elements 30 and 32, column 4, lines 57-65, column 6, lines 62-67 and column 7, lines 1-17). DiFilippo discloses sending an image along with information about the image such as type of process to be performed on that image to a Web Server 30 and Application Server 32, which are interpreted as the routing system together. DiFilippo also discloses the invention to be in the environment of digital imaging technology (column 1, lines 39-41), which is interpreted to include digital cameras.

DiFilippo further discloses means for selecting a remote digital image editing system according to the customer preference parameter (Fig. 2, element 38, column 4, lines 57-65 and column 7, lines 25-32). DiFilippo discloses sending an image from a

Web Server 30 and Application Server 32, to a proper processing server(s) 38 or remote digital editing systems.

DiFilippo further discloses means for transmitting the digital image packet to the selected remote digital editing system (Fig. 2, elements 32 and 38). DiFilippo discloses transferring the image to the proper processing server(s).

DiFilippo further discloses means for enhancing the digital image at the selected remote digital image editing system based on the customer preference parameter (column 5, lines 10-13 and lines 31-54). DiFilippo discloses that the processor information collected by the user is used by the processing servers as needed in order to perform the desired operation and also discloses image enhancements performed.

DiFilippo discloses means for transmitting an enhanced digital image packet to the customer via the network, wherein the enhanced digital image packet includes an enhanced digital image and an enhancement description packet that describes the enhancement description packet that describes the enhancements made for each of the digital images (column 4, lines 11-16 and column 7, lines 40-47). DiFilippo discloses transferring the processed image along with information about the processing back to the user.

With regard to claim 5, DiFilippo discloses the digital image enhancement system of claim 4, wherein the means for enhancing the digital image, includes means for automatically enhancing the digital image based on the customer preference parameter (column 4, line 57- column 5, line 9). DiFilippo discloses that the image data is sent

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along with enhancement information and that the image information is automatically sent to the appropriate processors and further discloses that even more automation may be applied in the form of creating increased productivity and efficiency by using multiple instances of frequently used applications.

With regard to claim 7, the discussion of claim 1 applies. Claim 7 repeats the limitations of claim 1 except that claim 7 refers to a method instead of a system. The method is disclosed in the function of the system as discussed.

With regard to claim 8, the discussion of claim 2 applies.

With regard to claim 9, the discussion of claim 3 applies.

With regard to claim 10, DiFilippo discloses the digital image routing method of claim 7, further comprising the step of enhancing the digital image automatically using an automatic digital image enhancement system (column 4, line 57- column 5, line 9). DiFilippo discloses that the image data is sent along with enhancement information and that the image information is automatically sent to the appropriate processors for enhancement or analysis according to the information indicated by the user and further discloses that even more automation may be applied in the form of creating increased productivity and efficiency by using multiple instances of frequently used applications.

With regard to claim 11, DiFilippo discloses the image routing method of claim 10, further comprising the steps of:

Storing an enhancement performed on a previous digital image (column 7, lines 40-47). DiFilippo discloses storing an analysis, which is interpreted as an image enhancement and result.

Analyzing the enhancement performed on the previous digital image (column 7, lines 47-53). DiFilippo discloses generating a re-analysis report or re-run report, which is determined by analyzing the analysis of DiFilippo, or image enhancement performed and its results.

Establishing the enhancement parameter to be used by the automatic digital image enhancement system to automatically enhance the digital image (column 7, line 65 – column 8, line 7). DiFilippo discloses establishing a parameter either by suggesting a new one or alternatively not offering one, suggesting that the present parameter is fine to use again.

With regard to claim 12, DiFilippo discloses a digital enhancement method, comprising the steps of:

Receiving a digital image packet directly from a customer via a network, wherein the digital image packet includes a digital image from a digital camera and a customer preference parameter (Fig. 2, elements 30 and 32, column 4, lines 57-65, column 6, lines 62-67 and column 7, lines 1-17). DiFilippo discloses sending an image along with

information about the image such as type of process to be performed on that image to a Web Server 30 and Application Server 32.

DiFilippo Further discloses selecting a remote digital image editing system according to the customer preference parameter (Fig. 2, element 38, column 4, lines 57-65 and column 7, lines 25-32). DiFilippo discloses sending an image from a Web Server 30 and Application Server 32, to a proper processing server(s) 38.

DiFilippo further discloses transmitting the digital image packet to the selected remote digital image editing system (column 4, line 66 – column 5, line 9). DiFilippo discloses sending an image from a Web Server 30 and Application Server 32, to a proper processing server(s) 38 which are interpreted as the remote digital editors.

DiFilippo further discloses enhancing the digital image at the selected remote digital image editing system based on the customer preference parameter (column 5, lines 10-13). DiFilippo discloses that the processor information collected by the user is used by the processing servers as needed in order to perform the desired operation.

DiFilippo further discloses transmitting an enhanced digital image packet to the customer via the network, wherein the enhanced digital image packet includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images (column 4, lines 11-16 and column 7, lines 40-47). DiFilippo discloses transferring the processed image along with information about the processing back to the user.

With regard to claims 13, 14, and 15, the discussions of claims 9, 10, and 11 apply respectively.

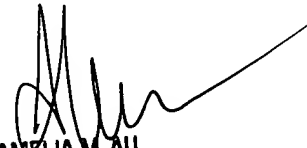
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 703-305-6700. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wes Tucker
1-31-05


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